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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,925	05/30/2006	Jaroslav Repta	5625-001	1907
24112	7590	08/04/2009	EXAMINER	
COATS & BENNETT, PLLC 1400 Crescent Green, Suite 300 Cary, NC 27518			PEARSON, DAVID J	
ART UNIT	PAPER NUMBER			
	2437			
MAIL DATE	DELIVERY MODE			
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,925	<b>Applicant(s)</b> REPTA, JAROSLAV
	<b>Examiner</b> DAVID J. PEARSON	<b>Art Unit</b> 2437

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 30 May 2006.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 4-6 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 4-6 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 30 May 2006 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/OS/02/06)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

1. A preliminary amendment was filed 05/30/2006. Claims 1-3 have been canceled. Claims 4-6 have been newly added. Claims 4-6 have been examined.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ressler (U.S. Patent Application Publication 2003/0200227).

For claim 4, Ressler teaches a system for identifying and protecting assets, the system comprising:

a central register comprising:

an assets database configured to store registered assets (note paragraph [0030]); and

a protection elements database operatively connected to the assets database and configured to store a plurality of protection elements (note paragraph [0030]), wherein said protection elements comprise at least one of an encapsulated microchip and an identification microdot (note paragraphs [0037] and [0047]);

a plurality of registration terminals operatively connected to the protection elements database, each of said registration terminals configured to retrieve one or

more protection elements from the protection elements database and to register a selected asset by applying the one or more retrieved protection elements to one or more locations associated with the selected asset (note paragraphs [0037] and [0063], "bureau of motor vehicles"); and

    a plurality of verification terminals accessible by authorized personnel and operatively connected to the assets database, said verification terminals configured to search the assets database for an input protection element (note paragraphs [0032] and [0035]).

For claim 5, Ressler teaches claim 4 wherein each verification terminal includes a protection element reader configured to read the input protection element (note paragraphs [0035] and [0038]).

For claim 6, Ressler teaches claim 4 wherein each registration terminal includes application equipment configured to apply the retrieved protection element to the one or more locations associated with the selected asset (note paragraphs [0037] and [0063]).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Vatanen (U.S. Patent Application Publication 2002/0083320) teaches a microchip safety marking registered in a database and attached to an object (note paragraphs [0006]-[0007]).

Brooks (U.S. Patent 6,275,153) teaches a transponder attached to an object. A reader reads an ID from the transponder and compares the ID with a list of registered objects (note column 5, lines 3-23).

Michael et al. (U.S. Patent Application Publication 2003/0088442) teaches the tracking of items in a database (note paragraph [0076]). The items can be identified with a variety of automatic identification technologies including microdots (note paragraph [0079]).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID J. PEARSON whose telephone number is (571)272-0711. The examiner can normally be reached on Monday - Friday, 7:30am - 5:00pm; off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David J Pearson/  
Examiner, Art Unit 2437